

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WALTER MAY II, Petitioner,)	
)	C.A. No. 04-143Erie
vs.)	District Judge McLaughlin
)	Magistrate Judge Baxter
LOUIS FOLINO, et al, Respondent)	

O R D E R

Petitioner has moved for the appointment of counsel to assist him with his pending petition for writ of habeas corpus. There is no federal right to habeas corpus counsel.

Pennsylvania v. Finley, 481 U.S. 551, 555 (1987) (“[the Supreme Court] had never held that prisoners have a constitutional right to counsel when mounting collateral attacks upon their convictions”). The right to counsel extends only through trial and the first appeal as of right.

McClesky v. Zant, 499 U.S. 467, 495 (1991). Moreover, Petitioner’s pleadings, along with the Response filed by Respondent, clearly explain Petitioner’s alleged violations of federal law in order to support his habeas corpus petition.

IT IS HEREBY ORDERED that Petitioner’s Motion for Appointment of Counsel [Document # 10] be DENIED.

IT IS FURTHER ORDERED that Petitioner’s Motion for Transcripts [Document # 9] be DENIED as no further briefing is required in this matter.

S/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
CHIEF UNITED STATES MAGISTRATE JUDGE

Dated: July 5, 2005

cc: all parties of record (lw)